

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SECIAL HEATH,

Plaintiff,

v.

DAN DAWSON, et al.,

Defendants.

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Case No. 6:24-cv-355-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Secial Heath, a former Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

Plaintiff sues individuals identified as Dan Dawson and Brad Dorsey of Atlanta, Texas. His claim against them reads, in its entirety, “they stole my money.” Docket No. 1 at 4. On December 3, 2024, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to state a claim upon which relief may be granted. Docket No. 5. The Magistrate Judge also recommended that Plaintiff be warned of the possibility of sanctions. *Id.* at 4. Plaintiff filed objections reading, in their entirety, as follows:

I’m writing to inform you of the things happening in all of my cases. They are trying to send all of my cases over to Marshall, Texas and they are the ones who tried to throw all of them out. I object to everything that you say about my lawsuits being dismissed. Because of my lawsuit

being a whole lot of wrong stuff in it. Right now I would like to get all of my cases sent to me.

Docket No. 7.

Plaintiff has filed over fifty lawsuits in the district courts of the State of Texas, including multiple cases which were filed in the wrong venue and transferred. A substantial number of these cases—like the present one—contain no discernible statement of a claim, but simply offer a conclusory allegation without any semblance of factual support. *See, e.g., Heath v. Jeff, et al.*, civil action no. 5:22-cv-57 (E.D.Tex., January 24, 2024, appeal dismissed); *Heath v. Wilson, et al.*, civil action no. 5:22-cv-60 (E.D.Tex., January 24, 2024, appeal dismissed); *Heath v. Gowan, et al.*, civil action no. 2:22-cv-60 (E.D.Tex., June 10, 2024). Plaintiff thus has ample notice that such pleadings are insufficient to state a claim upon which relief may be granted.

In addition, court records show that Plaintiff has filed at least three lawsuits which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted. *See, e.g., Heath v. Standerly*, No. 4:23-1844 (S.D. Tex. Jun. 27, 2023) (dismissing for failure to state a claim and lack of subject matter jurisdiction); *Heath v. Parole*, No. 4:23-939 (S.D. Tex. Jun. 13, 2023) (dismissing for failure to state a claim); *Heath v. Germbino*, No. 4:23-163 (N.D. Tex. Mar. 10, 2023) (dismissing as frivolous and delusional). Consequently, Plaintiff is barred from proceeding *in forma pauperis* absent a showing of imminent danger of serious physical injury relating to the claims in the complaint. 28 U.S.C. § 1915(g); *Baños v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998). This imminent danger must relate to the allegations of the complaint. *Judd v. Federal Elections Commission*, 311 F.App'x 730, 731 (5th Cir. 2009). Because


Plaintiff did not pay the full filing fee or show imminent danger of serious physical injury, his lawsuit may be dismissed on this basis as well.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. § 636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made"). Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit.

It is accordingly **ORDERED** that Plaintiff's objections are overruled and the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further **ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted and for failure to pay the filing fee or to show imminent danger of serious physical injury.

It is further **ORDERED** that Plaintiff's *in forma pauperis* status is **REVOKED**. Finally, Plaintiff Secial Heath is hereby **WARNED** and placed on notice that further abuse of the judicial process could lead to the imposition of sanctions, including but not limited to the assessment of monetary sanctions, bars from filing new lawsuits until such sanctions are satisfied, or a requirement that any further lawsuits must be signed by an attorney in good standing with the State Bar of Texas and licensed to practice in the Eastern District of Texas.

So **ORDERED** and **SIGNED** this **3rd** day of **February, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE